

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Limited Waiver of Immunity in Construction Contract for Recreation Centers)

RESOLUTION NO. 03-514

1 **WHEREAS, pursuant to Initiative No. IN-01-97, the Tohono O'odham Legislative Council set aside**
2 **\$30 million for the construction and operation of five Recreation Centers; and**

3 **WHEREAS, pursuant to Resolution 03-361, the Tohono O'odham Legislative Council approved a**
4 **limited waiver of sovereign immunity in the Construction Contract for Recreation**
5 **Centers in the Gu Vo, Hickiwan and Pisinemo Districts; and**

6 **WHEREAS, a Construction Contract (10/8/03 Draft) has been prepared for the construction of the**
7 **remaining Recreation Centers in the San Xavier and Sells Districts, a copy of which**
8 **is attached hereto; and**

9 **WHEREAS, the Construction Contract provides certain remedies to the Nation and the**
10 **Contractor for breach of the Contract and other claims; and**

11 **WHEREAS, the remedies available to the Contractor are only enforceable upon approval by the**
12 **Legislative Council of a limited waiver of the sovereign immunity of the Nation; and**

13 **WHEREAS, the Commerce Committee recommends approval by the Legislative Council of a**
14 **limited waiver of sovereign immunity.**

15 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 16 **1. The Tohono O'odham Legislative Council hereby grants a limited waiver of**
17 **sovereign immunity for the remedies provided in the Construction Contract**
18 **which extend to proven sums owed by the Nation to the Contractor.**
- 19 **2. The limited waiver of sovereign immunity shall be effective upon the date the**
20 **Nation and the Contractor execute the Construction Contract in substantially the**
21 **form attached hereto.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH Day**
23 **of NOVEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,238.2 FOR; -0-**
24 **AGAINST; -0- NOT VOTING; and 391.5[07] ABSENT, pursuant to the powers vested in the Council by**
25 **Section 1 (d)(2) & (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
26 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
27 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
28 **18, 1934 (48 Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL

for 
Dennis Ramon, Legislative Chairman

13th day of November, 2003

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ATTEST:

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

05th day of November, 2003.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 13th day of November, 2003 at 9:13 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Dennis Ramon
for Dennis Ramon, Legislative Chairman

APPROVED

on the 14 day of November, 2003

DISAPPROVED

at 4:50 o'clock, P.M.

EXCEEDED 48 HOURS

Vivian Juan-Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of November, 2003, at 10:08 o'clock, a.M.

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

ACTION: APPROVING LIMITED WAIVER OF IMMUNITY IN CONSTRUCTION CONTRACT FOR RECREATION CENTERS

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN KENNETH WILLIAMS

DATE: NOVEMBER 05, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ ** (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05				X
	2. PHYLLIS JUAN ()	88.05				X
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70				X
	2. DENNIS RAMON ()	107.70				X
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			X
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			X
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			X
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,238.2	-0-	-0-	391.5 [07]

**PASSED VOTES